

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER L. TUCKER,)	CASE NO. 1:07CV451
)	
Petitioner,)	SENIOR JUDGE
)	CHRISTOPHER A. BOYKO
vs.)	
)	
KENNETH BLACK, Warden,¹)	MEMORANDUM OF
)	OPINION AND ORDER
Respondent.)	

CHRISTOPHER A. BOYKO, S.J.:

This matter is before on the court on Magistrate Judge Carmen E. Henderson's Report and Recommendation (Doc. 74) to deny Petitioner Tucker's Amended Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 40) as procedurally defaulted and non-cognizable. Objections to the Report and Recommendation were due by June 8, 2021. Petitioner has not filed an objection to the Report and Recommendation and there is no indication that Petitioner did not receive the Report and Recommendation.

Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. Fed. R. Civ. P. 72(b)(2). Petitioner has failed to timely file any such objection. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this

¹ The new warden at Richland Correctional Institution is Kenneth Black and thus the proper Respondent in this case. (<https://drc.ohio.gov/rici>, last accessed July 21, 2021).

Court would be duplicative and an inefficient use of the Court's limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. 74); **DISMISSES** Petitioner's Amended Grounds for Relief as procedurally default (Ground One) and non-cognizable (Ground Two); and **DENIES** the Amended Petition for a Writ of Habeas Corpus (Doc. 40).

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Since Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
Senior United States District Judge

Dated: July 22, 2021